IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

W.P(C).No. 35811 of 2007(L)

PETITIONER:

M/S.MUTHOOT HOTELS PVT.LTD.,
(A & N HOTEL ENTERPRISES PVT LTD)
REPRESENTED BY THEIR SENIOR MANAGER
VELLAR, KOVALAM, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT.M.HEMALATHA
SRI.R.S.MADHU
SRI.MAHESH ANANDAKUTTAN

RESPONDENTS:

1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY,
   DEPARTMENT OF REVENUE, KERALA.

2. **THE DISTRICT COLLECTOR,**
   THIRUVANANTHAPURAM.

3. **THE REVENUE DIVISIONAL OFFICER**
   THIRUVANANTHAPURAM.

4. **THE ADDITIONAL TAHSILDAR,**
   THIRUVANANTHAPURAM.

5. **THE TALUK SURVEYOR, NEYYATTINKARA,**
   THIRUVANANTHAPURAM.

6. **THE VILLAGE OFFICER, VIZHINJAM,**
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35811 OF 2007 - L

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Dated this the 4th day of December, 2007

J U D G M E N T

Petitioner submits that Exts. P8 and P9 notices were issued under Section 12 of the Land Conservancy Act, 1957 to which the petitioner has filed its reply by Exts. P10 and P11. According to the petitioner, on an earlier occasion by Ext. P6 order passed by the 4th respondent, identical issue was considered and proceedings were dropped and therefore there is no warrant for a fresh proceedings. Irrespective of the contention that are now raised on the merits of the controversy, petitioner submits that without taking into account Exts. P10 and P11 the respondents are proposing to evict the petitioner and it is this apprehension that led the petitioner to file this writ petition. In view of the apprehension that is now expressed by the petitioner as above, all that is required to be clarified in this writ petition is that the 4th respondent shall not initiate any coercive action against the petitioner acting upon Exts.P8 and P9 without

passing orders thereon in the light of Exts. P10 and P11 filed by the petitioner. With this clarification this writ petition is disposed of.

Petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 4th respondent for compliance.

ANTONY DOMINIC
JUDGE

jan/-